IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1296 OF 2004

State of Maharashtra ..Appellant
V/s
Ravindra Kalu Done and othrs ..Respondent.

Mr. D.P. Adsule, APP for the State
Mr. M.S. Karnik Advocate for the respondent Nos. 1 to 4

CORAM : J.H. BHATIA, J.

DATE : 13TH APRIL, 2007.

P.C.

. Heard Mr. Adsule, learned APP for the State. and Mr. Karnik, Counsel for the respondents. Perused the impugned Judgment.

2. The State seeks leave to prefer an appeal against the orders of acquittal.

3. The prosecution case, in brief, is that one Maya Daughter of Jaywantabai was married to respondent NO.1 Ravindra in May 2000 and she died in February, 2001. Respondent No.2, is a brother and respondent Nos. 3 and 4 are parents of respondent No.1. According to prosecution, Maya had become pregenant within 4 months

after the marriage and therefore, her character was suspected. On this ground, she was subjected to cruelty and finally she committed suicide by consuming poison on 5/2/2001. After investigation of the case, charge sheet was filed against respondents. The case was committed to the Court of Sessions. The accused were charged for the offence punishable under Section 498A and 306 r/w section 34 of IPC. They pleaded not guilty. After evidence led by the prosecution the learned 4th Ad-hoc, Assistant Sessions Judge acquitted all four accused persons holding that the prosecution had failed to prove the cruelty, as well as cause of death.

4. According to the prosecution, she had committed suicide by consuming poison. However, C.A. report reveals that no poison was detected. Initially Autopsy Surgeon had reserved opinion of cause of death and after perusal of the C.A. report, he opined casue of death was probably due to some unknown poison. It appears that he had no firm opinion about the same and he admitted in his cross-examination that if the patient is having any disease or is suffering from septicimeis, then there is possibility of congestion of organs. The learned trial Court also noted that there were material

omissions in the complaint lodged by the mother of the deceased.

5. Taking into consideration the above circumstance, particularly when there is no direct evidence about the cruelty nor there is any confessional statement recorded by the Magistrate or Doctor, it is difficult to find any fault with the impugned order of acquittal. Merely because on the basis of the said evidence the appellate Court may take a different view is not sufficient to say that the approach of the trial Court was per se wrong or perverse.

6. For the aforesaid reasons, I find no substance to grant leave to prefer the appeal. Leave to prefer appeal is refused. The appeal stands dismissed summarily.

(J.H. BHATIA, J.)